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Yours Honors Copy

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

FILED

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U.S. DISTRICT COURT, E.D.N.Y.

★ NOV - 6 2006 ★

BROOKLYN OFFICE

Howard Katz

Plaintiff,

-against-

Joe R Mosus  
All That Glitter Inc

Defendant (s)

NOTICE OF MOTION

06 cv 05474 (ABC)

[docket number] [judge's initials]

x 06 CV 05474 D.L. Iorizay

PLEASE TAKE NOTICE that upon the annexed affidavit or

affirmation Joe R Mosus sworn to or affirmed

Nov. 03

20 06

and upon the complaint herein,

Joe R Mosus plaintiff will move this Court,

Honorable Denis L. Iorizay  
(Judge's name) U.S.D.J.,

in room United States Courthouse, Brooklyn, New York, 11201,

on the 3rd day of November 20 06, at (time) or as

soon thereafter as counsel can be heard, for an order pursuant to

Rule of the Federal Rules of Civil Procedure granting

by motion for dismissal of the case

06 CV 05474 - H Katz VS Joe R Mosus

Dated:

Benton Oregon

All That Glitter Inc

11/3/06  
date

Joe R Mosus  
Joe R Mosus

PLAINTIFF PRO SE

Mailin  
PO Box 422

Corvallis Oregon  
97333

Phone

541-925-5462

CC. Schmel Klenz Atty

11/3/06

Move to Dismiss in that jurisdiction - none are inappropriate - incorrect.

Note exhibit

I submit did H Katz transact business in the Eastern District or rather Manhattan - the Southern District? Note exhibit.

I state Katz business Manhattan based not Brooklyn based refer exhibit - official busi-  
address - Manhattan - - business bank account  
Manhattan - his office was located in  
Manhattan - the two meetings, lunches we had  
again were in Manhattan - two in 20 years,  
Manhattan, as I now understand is in the  
Southern District, not Eastern District.

The millions of dollars in chex I sent  
to H Katz - were sent to and cashed in  
Manhattan, not Brooklyn I believe.

target?  
for  
armed  
robbery  
etc

Indeed, when I began with H. Katz I was  
told unequivocally not to involve his home  
address unless necessary due to illness etc  
as Katz like many wanted to keep his  
<sup>Brooklyn</sup> home address unassociated with the product  
and thus become a target - He did his  
business in Manhattan - Southern District,  
your Honor in my life - 56 years I have  
never set foot in Brooklyn New York - Never!

Obviously I would have raised this issue  
earlier was not aware until recently of  
Manhattan's judicial jurisdiction.

Did Mr Katz and I transact in Brooklyn Eastern District - again I was never there in the last 6 years - 20 years or ever!

A better question might be did Katz transact business in the Eastern District or rather the Southern District. note letter head. exhibit

The basis for this venue in the original complaint states "defendant resides in the jurisdiction" now we see I have never even there.

Mr Klein  
containing  
→ Every expectation of suit in Eastern Jurisdiction? Have never even been there! Never!

Indeed in the past Mr Katz unable or did not make suit in Eastern District but traveled to defendant's venue. He can not deny this - Virginia Beach and I believe Philadelphia. Katz went to the defendant Had this been done in 2005, a Federal Venue in Martinsburg W.Va 70 miles from Wash D.C. - had he done that, this case would now been concluded, no dispute then over venue, jurisdiction, no dispute!

I want to conclude by saying Mr Katz and I enjoyed a long and amicable relationship, 20 years. In the past I had no more loyal booster than Howard Katz, he even writing letters of recommendation praising me. words like honest reliable, and trust. That now we are forced into court is not good. I am still willing to try to work with him to resolve, determine a true ✓

please  
over ✓

outstanding balance and try to finish this issue

Sincerely

Joe Mogs

Joe Mogs

Exhibit A

(718) 363-8424 Toll Free 1-800-466-5287  
FAX (718) 756-0636

\* (Business Address)

Note Manhattan Address - 10185 zip.  
Rockefeller Center I believe is it not

Note Business Bank Acct - Based Merchant  
Bank - in Manhattan I believe this also true

Note - Mr Katz's office when he had one  
was indeed in Manhattan - (I was there once)

The two times I met Katz - again Manhattan  
on meetings once at his Manhattan office

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

HOWARD KATZ,  
Plaintiff

v.

JOE ROBERT MOGUS AND  
ALL THAT GLITTERS, INC.  
Defendant.

Civil Action No. \_\_\_\_\_  
JURY DEMANDED

COMPLAINT AND DEMAND FOR JURY TRIAL

NOW INTO COURT, through undersigned counsel, comes HOWARD KATZ, Plaintiff in the above entitled and captioned matter, who respectfully prays for Judgment of this Honorable Court against defendant, as set forth in the following complaint, as follows:

1. Plaintiff, HOWARD KATZ, is a domiciliary of Brooklyn, New York, and transacts business in this District.

2. Defendant herein is JOE ROBERT MOGUS AND ALL THAT GLITTERS, INC., also hereinafter be referred to as "MOGUS AND ALL THAT GLITTERS, INC." transacts and does business in the following places: 125 Ruff Grouse Rd Berkley Springs, West VA 25411; and PO Box 531, Berkley Springs, West VA 25411 and PO Box 602, Cross Junction VA 22625.

JURISDICTION OF THE COURT AND VENUE

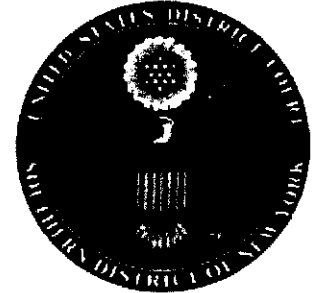
3. Plaintiff respectfully asserts that this Honorable Court has jurisdiction in this case arises under federal law. 28 U.S.C. 1331. Further, the matter in controversy exceeds \$75,000.00, exclusive of costs and interest and the parties to these proceedings are citizens of different states:

# United States District Court for the Southern District of New York

From Wikipedia, the free encyclopedia

Exhibit C

The **United States District Court for the Southern District of New York** (S.D.N.Y.) is the federal district court whose jurisdiction comprises the following counties: New York (~~Manhattan~~), Bronx, Westchester, Putnam, Rockland, Orange, Dutchess, and Sullivan. The **United States Attorney's Office for the Southern District of New York** represents the United States in civil and criminal litigation in the court.



The court shares geographic jurisdiction over New York City with the U.S. District Court for the ~~Eastern District~~ of New York, which manages ~~Kings (Brooklyn), Queens~~, and Richmond (Staten Island) counties, along with Nassau and Suffolk on Long Island.

The Southern District is one of the most influential and active federal district courts in the United States, largely because of its jurisdiction over New York's major financial centers. When Rudolph Giuliani worked as a federal prosecutor in this district, his unusually aggressive style of litigation combined with the overall power of this district caused legal commentators to joke that S.D.N.Y. stood for the "Sovereign District of New York."

The Southern District of New York was subdivided out of the U.S. District Court for the District of New York on April 9, 1814 along with the U.S. District Court for the Northern District of New York.

## Judges

The U.S. District Court for the Southern District of New York has 28 authorized judgeships, filled by judges appointed by the President and confirmed by the Senate. One seat is vacant due to the death of Constance Baker Motley. In addition, judges who have taken senior status are eligible to continue hearing cases. As of August 1, 2006, the Chief Judge of the District is Judge Kimba Wood, succeeding Judge Michael Mukasey who is returning to private practice.

The District Judges (active and senior) sitting as of 2006 are:

- Harold Baer, Jr.
- Deborah A. Batts
- Richard M. Berman
- Charles L. Brieant
- Naomi Reice Buchwald
- Robert L. Carter
- Richard Conway Casey
- P. Kevin Castel
- Miriam Goldman Cederbaum



UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORKHoward Katz X

Plaintiff,

- against -

Joe R MogusAll That Gitter Inc  
Defendants.

Affirmation of Service

06 cv 05474I, Joe R Mogus X, declare under penalty  
of perjury that I have served a copy of the attached Notice of  
Motion and Affirmation/Affidavit in support upon \_\_\_\_\_Attorney Shmuel Kleinwhose address is 268 Route 59Spring Valley New York 10977

Dated.

11/3/06~~New York~~Joe R Mogus  
SignatureJoe R Mogus  
AddressPO 422

City, State &amp; Zip Code

Corvallis Oregon

Telephone

97333541-929-5462



WHEREFORE, I respectfully request that the court grant the within motion, as well as such other and further relief that may be just and proper.

I declare under penalty of perjury that the foregoing is true and correct.

Nov 3/2006  
Executed on \_\_\_\_\_ (Date)

Joe R Magnus  
Your Signature

Print your name

Joe R Magnus